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Report of the Secretary-General on the implementation of the decision of the Council in 2017 relating to the summary report of the Chair of the Legal and Technical Commission

Preliminary strategy for the development of regional environmental management plans for the Area

Report of the Secretary-General

I. Introduction and background

1. The purpose of the present report is to provide the Council with the outline of a coordinated strategy for developing regional environmental management plans under the auspices of the Authority, in line with relevant decisions of the Council.

2. A first regional environmental management plan for the Clarion-Clipperton Zone was approved by the Council in 2012, on the recommendation of the Legal and Technical Commission (see ISBA/18/C/22). In approving the plan, the Council recalled the provisions of articles 145 and 162 of the United Nations Convention on the Law of the Sea, as well as the reaffirmation by the General Assembly, in its resolution 63/111, of the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to marine biodiversity. The Council also considered that a comprehensive environmental management plan at the regional level was one of the measures appropriate and necessary to ensure the effective protection of the marine environment of the Area from harmful effects that might arise from activities in the Area, in accordance with article 145 of the Convention.

3. Since 2012, the Council has repeatedly called upon the secretariat and the Commission to make progress on the development of similar regional environmental management plans in other parts of the Area, in particular where there are currently contracts for exploration.[1] Those calls have also been reflected in the resolutions of

* ISBA/24/C/L.1.

[1] See, for example, ISBA/20/C/31, para. 9, ISBA/21/C/20, para. 10, ISBA/22/C/28, para. 11, and ISBA/23/C/18, para. 16.

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the General Assembly.[2] In addition, in 2014, and in the context of the Commission's work on regulatory development, the Council requested the Commission to consider, as appropriate, a submission by the Netherlands on environmental management plans (see ISBA/20/C/31).

4. Little progress has been made on this matter to date, although the Commission has reported regularly to the Council on the implementation of the regional environmental management plan for the Clarion-Clipperton Zone (see, for example, ISBA/23/C/8, para. 19), and has also held a general discussion on the approach to the development of regional environmental management plans and the need for environmental data from contractors and open sources to be made available for that purpose. In March 2017, the role of such plans in managing activities in the Area was further discussed at the international workshop entitled "Towards an ISA Environmental Strategy for the Area" that was held in Berlin.[3] In his report to the Council of July 2017, the Secretary-General indicated that he had taken note of the views expressed by the Council in relation to the importance of regional environmental management plans and proposed to give consideration to how best to initiate action in that respect, taking into account budgetary constraints (ibid., para. 23).

II. Broad objectives and guiding principles of regional environmental management plans for the Area

5. In broad terms, the objective of regional environmental management plans is to provide the relevant organs of the Authority, as well as contractors and their sponsoring States, with a proactive area-based management tool to support informed decision-making that balances resource development with conservation. Regional environmental management plans also provide the Authority with a clear and consistent mechanism to identify particular areas thought to be representative of the full range of habitats, biodiversity and ecosystem structures and functions within the relevant management area, and provide those areas with appropriate levels of protection, thus helping the Authority to meet internationally agreed targets, such as Aichi Biodiversity Target 11.

6. In the context of the regional environmental management plan for the Clarion-Clipperton Zone, for example, a network of nine areas of particular environmental interest was identified on the basis of robust scientific criteria adopted through a collaborative process involving relevant stakeholders. Such networks and other area-based management tools identified in the context of regional plans have great potential to contribute to the effective conservation and management of biodiversity in marine areas beyond national jurisdiction and to help to build the resilience of deep-sea benthic ecosystems to the impacts of climate change on the ocean. Regional environmental management plans will also contribute materially to the implementation of Sustainable Development Goal 14, namely to "conserve and sustainably use the oceans, seas and marine resources for sustainable development", including, for example, by conserving at least 10 per cent of coastal and marine biodiversity (target 14.5). In addition, those areas may serve as scientific reference areas for monitoring natural variability and long-term change in the marine environment, which will be particularly important for enabling the Authority to carry out its responsibility to manage the effects of mining activities. Regional environmental management plans will also provide an important framework to guide

[2] See resolutions 69/245, para. 51, 70/235, para. 60, and 72/73, para. 71.

[3] See International Seabed Authority, *Towards an ISA Environmental Management Strategy for the Area: ISA Technical Study No. 17* (Kingston, 2017).

contractors and researchers in the collection and compilation of the environmental data needed to manage deep seabed mining and other related activities in the marine environment.

III. Development of regional environmental management plans and challenges for the Authority

7. The development and implementation of regional environmental management plans in the Area are part of the Authority's policy framework for environmental management. These activities require a collaborative and transparent approach, including the compilation and analysis of available data from multiple sources, as well as consultation with recognized experts from the international scientific community, contractors and relevant international organizations. Considering the unique jurisdiction of the Authority and the status of the Area and its resources as the common heritage of mankind, it is essential that such processes facilitate full participation by developing countries. In the case of the regional environmental management plan for the Clarion-Clipperton Zone, initial scientific work had been supported by the J. M. Kaplan Fund and the Pew Charitable Trusts before the process was brought under the auspices of the Authority. The plan was then developed through several international expert workshops convened by the Authority and subsequent consideration by the Commission.

8. In the report of the Secretary-General to the Council issued in 2017, it was noted that the Commission and the Secretary-General had taken note of current external initiatives to develop a scientific basis for an environmental management plan in the Atlantic Ocean, and that they intended to hold discussions with relevant stakeholders on how the outcomes of such initiatives might help to advance the work of the Authority. The Secretary-General also welcomed the interest of the China Ocean Mineral Resources Research and Development Association (COMRA) in pursuing a cooperative effort with other contractors and stakeholders to develop an environmental management plan for the cobalt-rich ferromanganese crust zones in the Pacific Ocean. Further discussion of this initiative will take place in January 2018 and will be reported on to the Council in due course. While external scientific initiatives are to be welcomed, it is considered important, given the mandate and role of the Authority, including in relation to the conduct of marine scientific research in the Area, that regional environmental management plans be developed under the auspices of the Authority, in a transparent manner, and with the full engagement of the relevant organs of the Authority.

9. Unfortunately, this also presents certain challenges for the Authority. The single greatest challenge at present is a lack of specific funding within the financial period 2017–2018 to support the development and implementation of regional environmental management plans. Resources will be needed to support workshops, data compilation and scientific analyses and, importantly, to finance the participation of developing countries in the process. In due course, it will also be necessary to secure funding for long-term independent monitoring programmes to ensure the effectiveness of areas of particular environmental interest.

10. A key aim for the secretariat will be to expand the breadth and depth of its strategic partnerships with relevant organizations and researchers, including exploring opportunities for new partnerships. In this regard, the Authority's database will play a critical role as the permanent and authoritative host for data relating to the Area, thus creating a data archive that is available to present and future generations. Initiatives currently being undertaken by the secretariat include cooperation and collaboration with the University of Hawaii to improve the assessment of essential

ecological functions of the deep sea oceans through long-term underwater oceanographic observatories in the Area,[4] and a joint effort with contractors to enhance knowledge of the status of deep sea marine biodiversity through the creation of online taxonomic atlases.[5]

11. Contractors also have a critical role to play in the development of regional environmental management plans, given their contractual obligation to undertake environmental baseline studies, which makes them the primary providers of environmental data. This important contribution has been noted by the Council, which stated that the Authority needed all contractors to collect samples consistently and to fully report environmental data to support the development of regional environmental management plans (see ISBA/23/C/18, para. 13). During the twenty-third session of the Authority, the Commission also encouraged the emerging trend of collaboration between contractors, which has extended to environmental surveys and data collection, potentially enabling an improved regional understanding of environmental patterns. In that regard, the Commission noted improved taxonomic standardization, collaboration between contractors, linkages between contractors and international research programmes, sampling conducted in areas of particular environmental interest as well as contract areas, and several joint contractor voyages in recent years.

IV. Short-term strategy and recommendations

12. In the light of such constraints and considering the current status of exploration in the Area, the priority areas for development of regional environmental management plans in the Area have been identified on a preliminary basis as the Mid-Atlantic Ridge,[6] the Indian Ocean triple junction ridge and nodule-bearing province,[7] as well as the North-west Pacific and South Atlantic for seamounts.[8]

13. As a first step, it is proposed to convene an international workshop in the first quarter of 2018 in Kingston in order to consider an appropriate methodology for the development of regional environmental management plans in all parts of the Area where there are contracts for exploration for polymetallic sulphides. The workshop participants would be able to review the status of existing data and scientific initiatives and make recommendations for a process for the development of such plans under the auspices of the Authority.

14. As noted in paragraph 8 above, discussions are ongoing with COMRA regarding an initiative to launch a cooperative process to develop an environmental management plan for the cobalt-rich ferromanganese crust zones in the Pacific Ocean. During the

[4] See #OceanAction17746: Improving the assessment of essential ecological functions of the deep sea oceans through long-term underwater oceanographic observatories in the Area. Available from https://oceanconference.un.org/commitments/?id=17746.

[5] See #OceanAction17776: Enhancing deep sea marine biodiversity assessment through the creation of online taxonomic atlases linked to deep sea mining activities in the Area. Available from https://oceanconference.un.org/commitments/?id=17776.

[6] On the Mid-Atlantic Ridge, contracts for exploration for polymetallic sulphides have been signed with the Government of the Russian Federation, Institut français de recherche pour l'exploitation de la mer and the Government of Poland.

[7] At the triple junction ridge, contracts for exploration for polymetallic sulphides have been signed with the Federal Institute for Geosciences and Natural Resources of Germany, and the Government of India. The Government of India holds a contract for exploration for polymetallic nodules in the Central Indian Ocean Basin.

[8] In the Northwest Pacific, contracts for exploration for cobalt-rich ferromanganese crusts have been signed with Japan Oil, Gas and Metals National Corporation, COMRA, the Ministry of Natural Resources and the Environment of the Russian Federation and the Government of the Republic of Korea. Companhia de Pesquisa de Recursos Minerais (sponsored by Brazil) is a contractor for exploration for cobalt-rich ferromanganese crusts in the South Atlantic.

second half of 2018, a workshop will be held to review the status of implementation of the regional environmental management plan for the Clarion-Clipperton Zone on the basis of newly available data, including data that are expected to become available early in 2018. In line with the decision of the Council (see ISBA/23/C/18, para. 15), the secretariat will make every effort to ensure the broadest participation of all concerned States parties and other stakeholders, taking into account the extreme budgetary constraints for 2018. In this regard, additional financial and in-kind contributions to support this process would be welcomed.

15. The Council is invited to take note of the present report, including the proposed programme of workshops for 2018 aimed at developing a more coherent strategy for the development of regional environmental management plans.

16. It should be noted that, in order to move this strategy forward, significant investment will be required to support the compilation of available data, scientific analyses and the identification of data gaps, capacity-building and the participation of developing countries in a programme of regional workshops. Support for those elements will be factored into the proposals for the budget of the Authority for the financial period 2019–2020.